



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 20, 1998

The Honorable James E. Erwin  
Justice of the Peace  
Precinct One, Place Two  
Hunt County  
Criminal Justice Center  
2700 Johnson Street  
Greenville, Texas 75401

OR98-1010

Dear Judge Erwin:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 114176.

The Hunt County Justice of the Peace received an open records request for a variety of different records, including information about employees, telephone records, manuals, traffic citations, and traffic case prosecutions. You assert that all of the requested information is exempt from disclosure as judicial records under section 552.003(1)(B) of the Government Code. We have considered the arguments you have raised and reviewed the submitted information.

The Open Records Act generally requires the public disclosure of information maintained by a "governmental body." However, the act does not apply to records of the judiciary. *See* Gov't Code § 552.003(1)(B). The act neither authorizes information held by the judiciary to be withheld nor requires it to be disclosed. Attorney General Opinion DM-166; Open Records Decision No. 25 (1974). Accordingly, the act does not require you to provide the requestor with the information that he has requested.<sup>1</sup>

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<sup>1</sup>We note, however, that Texas courts have recognized a common-law right of the public to copy and inspect records of the judiciary. *See Davenport v. Garcia*, 834 S.W.2d 4, 24 (Tex. 1992); Attorney General Opinion DM-166 (1992) (historical perspective of right of public access to records of judiciary); Open Records Decision No. 618 (1993). Since municipal court clerks are required to perform the same duties as county clerks, *see* Gov't Code § 29.010, there may be a statutory right of access to the requested records. *See* Local Gov't Code § 191.006 (records held by county clerks are open to public inspection).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Sam Haddad". The signature is fluid and cursive, with the first name "Sam" written in a larger, more prominent script than the last name "Haddad".

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/rho

Ref.: ID# 114176

cc: Mr. Howard G. Barker  
American Driver's Association  
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Liberty City, Texas 75662